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PATENTREMARKS

Claims 1-27 are pending in the application. Claims 1 and 8 are amended by this amendment. Claims 4, 10, 11, 18 and 21-27 were withdrawn by the Office in the present Office action. Applicants acknowledge, with thanks, the allowability of claims 13-17.

The following remarks are responsive to the Office action dated May 27, 2005.

Response to Rejection of Claims under 35 USC §112Claim 7

Applicants respectfully disagree with the Examiner's rejection of claim 7 as being indefinite under 35 USC §112. Claim 7 recites a flexible elongate member having a bone-contacting surface "which is roughened to improve the gripping action of the elongate flexible member on the bone." The roughened contacting surface of the elongate member is clearly shown in Figs. 8 and 9 and described in the specification. Figures 8 and 9 show a series of ridges (59) formed along the length of the flexible member (54). The specification describes this surface as having a series of transverse grooves 58 which provide separation between a series of lands 59 (i.e., ridges). Specification, page 15, lines 4-5. The illustrated surface is clearly roughened, as roughened means to make a surface marked with, for example, ridges.

In view of the foregoing, claim 7 is submitted as being definite in accordance with 35 USC §112.

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Applicants have amended claim 8 to delete the term "spikes", since such an element is not shown in the drawings. The claim now recites that the flexible member is "provided with ridges to relieve uniform pressure on the bone to which it is attached and to improve the grip of the elongate flexible member on the bone." As discussed above in regard to claim 7, Figs. 8 and 9 and the specification disclose the flexible member being provided with ridges (i.e., lands with adjacent grooves). Moreover, the specification also teaches that the grooves (58) "provide interruptions between the lands 59 so that uniform pressure is not applied to the entire periphery of the metacarpal bone 21". Specification, page 17, lines 17-19.

In view of the foregoing, claim 8 as amended is submitted as being definite in accordance with 35 USC §112.

Response to Objection of Drawings

In view of the arguments submitted above with respect to claims 7 and 8, Applicants submit that the drawings meet the requirements of 37 CFR 1.83(a) and do not need to be corrected.

Response to Rejection of Claims under 35 USC §102Claim 1

The present invention is directed to a prosthetic implant for surgical implantation in a hand of a patient to replace a flexor tendon pulley. Conventionally, when a person's flexor tendon pulley is damaged, attempts are made

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to reconstruct the tendon via surgery. However, surgery may not be feasible or desirable in some cases when the person's tissues are weakened or will become weakened after reconstruction. Thus, there is need in the art for a prosthetic implant for replacing flexor tendons which are damaged beyond surgical repair.

More particularly, claim 1 recites a prosthetic implant for surgical implantation in a hand of a patient to replace a flexor tendon pulley, the prosthetic implant comprising

an elongate flexible member for passing snugly around a surgically exposed bone of the hand, the elongate flexible member having first and second end portions at opposite ends thereof,

the first end portion of the elongate flexible member being provided with a slot defining means defining a slot for receipt of the second end portion of the elongate flexible member, and

locking means to secure the second end portion to the first end portion after insertion of the second end portion in the slot.

Claim 1 is submitted to be unanticipated by and patentable over the references of record, and in particular U.S. Patent Nos. 6,226,839 (Sayegh) and 3,469,573 (Florio), in that whether considered alone or in combination, the references fail to show or suggest a prosthetic implant for surgical implantation in a hand of a patient to replace a flexor tendon pulley comprising the elements recited in claim 1.

Savegh does not disclose or suggest a prosthetic implant for surgical implantation in a hand of a patient to

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replace a flexor tendon pulley comprising the components recited in claim 1. As stated in the "Field of the Invention" section in column 1 of Savegh, the invention "relates to flexible tie apparatus that enclose objects, and in particular to a system that allows attachment of Electronic Article Surveillance members to articles of varying sizes, shapes and materials". Nowhere in Savegh is there any suggestion that the flexible tie is a prosthetic implant for surgical implantation nor indeed that such a tie would be suitable as prosthetic implant for surgical implantation.

Savegh is not in the field of the present invention and is not in a field that persons of ordinary skill in the art related to the present invention (medical prosthesis) would look to solve problems in the relevant field. Accordingly, Savegh is non-analogous art.

Indeed, the tie described in Savegh could not be used as a prosthetic implant for surgical implantation in a hand. As you can see, it has sharp edges. These sharp edges would break and cut the tendons in the hand. Simply put, the tie of Savegh would be dangerous as an implant. Further, there is nothing in Savegh which would suggest to the skilled man that the arrangement could be used in a hand.

Likewise, Florio does not show or suggest a prosthetic implant for surgical implantation in a hand of a patient to replace a flexor tendon pulley comprising the components recited in claim 1. Applicants note that they have amended claim 1 to further define the invention as being a prosthetic for replacing a flexor tendon pulley. Florio relates to a completely different arrangement since it is

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an orthopaedic clamp which is designed to circumferentially grip a bone that has fractured to hold the parts together while they heal. This is very different to the arrangement of the present invention which relates to a prosthesis to replace a flexor tendon pulley in the hand. The present arrangement does not relate to a temporary clamp which serves to hold the parts of the bone stationary but rather to a permanent prosthesis for a flexor tendon pulley which enables the hand to continue to operate after insertion. There is nothing in the Florio that would suggest that the clamp structurally could be used to replace a flexor tendon pulley.

The other references of record also fail to show or suggest the features of claim 1.

For these reasons, claim 1 as now presented is submitted to be unanticipated by and patentable over Savegh and Florio and the other references of record.

Claims 2, 3, 5-9, 12-17, 19 and 20 depend either directly or indirectly from claim 1 and are submitted to be patentable over the references of record for at least the same reasons as claim 1.

In addition, claim 9 has been amended to further specify that the flexor tendon support is shaped to limit the compression of the tendons against the bone. In the illustrated embodiment, the support spacing is provided by the ribs 61, 62 described at page 15, lines 27 et seq. If Sayegh or Florio were used to secure the tendons, they both would crush the tendons against the bone, providing a wholly useless result by their implantation.

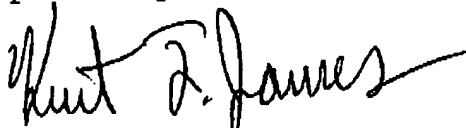
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In view of the foregoing, favorable consideration and allowance of claims 1-27 is respectfully requested.

The Commissioner is hereby authorized to charge the amount of \$60.00 for the requested one (1) month extension of time to Deposit Account No. 19-1345.

The Commissioner is hereby authorized to charge any deficiency or overpayment of the required fee to Deposit Account No. 19-1345.

Respectfully submitted,



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